

1904-053. Chancery Causes: Cowan Poteet & vs Scott Poteet  
Lee Co.

Allen

CH-Estate Dispute  
T-Property

Oversize  
Box 1:  
- 1 Plat  
- 1  
- Deed



To the Honorable H.A.W. Skeen, Judge of the Circuit Court of Lee County, Virginia:

Your Complainants Cowan Poteet, Jackson Poteet, Lou Allen and Kate Poteet would respectfully show unto your Honor that one C.C. Poteet, a citizen of this County, departed this life intestate on the \_\_\_\_ day of \_\_\_\_\_, 1903; that the said C.C. Poteet left no widow, nor any children, nor the descendants of any children, living at the time of his death; that your Complainants Cowan Poteet, Jackson Poteet, Lou Allen and Kate Poteet, and one Scott Poteet, an insane person, are the brothers and sister of the said C.C. Poteet, deceased, and are his only heirs at law, his <sup>father</sup> mother having died many years prior to the death of the said C.C. Poteet.

Your Complainants would now show your Honor that the said C. C. Poteet was, at the time of his death, seized and possessed of valuable real estate in Lee County, to-wit, about 300 acres of land lying on the west fork of Blackwater Creek, and which were acquired by him as follows:

1st, By deed of conveyance from Samuel Poteet on the 15th day of January, 1903, a true copy of which deed is herewith filed as part hereof marked "Exhibit No. 1."

2nd, By deed of conveyance dated December 6th, 1889, from Jesse G. Herd and Ruthy Herd his wife, a true copy of which deed is herewith filed as part hereof marked "Exhibit No. 2".

3rd, By Compromise of a <sup>action</sup> ~~suit~~ in ejectment brought against him in the Circuit Court of Lee County, Virginia by one Jesse Anderson, a true copy of the final order in which <sup>action</sup> ~~suit~~ is herewith filed as part hereof marked "Exhibit No. 3".

4th, By Deed of conveyance dated January 1st, 1903, from C. B. Belcher et al, by H.O. Ballou and J.C. Noel, their attorneys in fact, a true copy of which deed is herewith filed as part hereof marked "Exhibit No. 4".

Your Complainants are advised that immediately upon the death



of their said brother, the said C.C.Poteet, that all of said lands descended to them and their said insane brother, Scott Poteet, they being his next of kin and the only heirs at law, and that they are each entitled to an one-fifth undivided part thereof.

The object, therefore, of this bill is to have said land partitioned among your Complainants Cowan Poteet, Jackson Poteet, Lou Allen and Kate Poteet and the said Scott Poteet.

The prayer, therefore of your Complainants is that the said Scott Poteet be made party defendant to this bill; that a guardian ad litem be appointed to answer and defend for him, he being an insane person, and that upon a hearing said land be decreed to be properly partitioned giving to each of your said complainants and to the said Scott Poteet a full one-fifth part thereof, and for full general relief.

And they will ever pray &c.

L. T. Hyatt, P.Q.



Plffs costs  
Munsey. Clerk \$5.83

Cowan Poter et al  
vs. { In Chy.

Scott Poter

Bill

1903. 1st Oct rules bill  
filed ans of Guardian  
item filed + D. N.

" 2nd Oct rules D. N.  
Confirmed + Cause set  
for hearing

Costs:

Munsey C. \$5.83

Ewing C. 6.80

Shiff. 2.00

Atty. 15.00

G. L. L. 5.00

Corn. J. B. Ruthford 10.00

H. P. Arrington 10.00

J. P. 75

J. Poter Ch. C. 5.00

" Board 8.75

L. T. HYATT,  
ATTORNEY AT LAW,  
JONESVILLE, VIRGINIA.

J. F. Linn 22.88  
\$92.01



To the Honorable H.A.W. Skeen, Judge of the Circuit Court  
of Lee County, Virginia:

The answer of Scott Poteet, an insane person, by Geo.-  
P. Cridlin, his guardian ad litem, assigned to defend him in  
this suit to a bill of complaint exhibited against him in this  
Honorable Court by Cowan Poteet et al.

Respondent reserving to himself the benefit of all just  
exceptions to said bill, for answer thereto, or to so much  
thereof as he is advised that it is material he should answer,  
by his said guardian ad litem answers and says:

That he is an insane person, and by reason of his insanity,  
in incapable of understanding, or of taking care of his rights  
and interests. He, therefore, by his said guardian, commends  
himself and his rights and interests to the protection of the  
Court, and prays that no decree may be pronounced which will  
tend to his prejudice.

And having fully answered, the said respondent prays to  
be hence dismissed with his reasonable costs in this behalf  
expended, and he will ever pray &c.

Geo. P. Cridlin  
Guardian ad litem for Scott Poteet.

Sworn to before me by Geo. P. Cridlin, Guardian ad litem  
for Scott Poteet, this the 30<sup>th</sup> day of September, 1903.

A. B. Munsey Clerk.



Cowan Poter etd  
vs { In Chy.

Scott Poter

Answer of S. A. L.

Filed Sept 30<sup>th</sup> 1903

A.B. Munsey Clerk

S. A. L. fee \$5.00



Virginia  
at a Circuit court begun and held for Lee County, at the Court-  
house thereof, on Monday, the 15th day of February, 1904.

Cowan Poteet et al.

vs.

Scott Poteet, Defendant.

THIS cause, came on this the 15th day of Feb, 1904, to be heard upon the bill of the plaitiff and exhibits therewith No. 1, 2, 3, and 4, and the answer of the insane <sup>defendant,</sup> Scott Poteet, defendant, by George P. Cridlin his guradian adlitem, duly sworn to and filed on the 30th day of September, 1903 and was argued by counsel,

WHEREUPON, the plaitiffs Cowan Poteet and Lou Allen by their attorney, stated in open court, that they had sold and conveyed their undivided interests in the land sought to be partitioned by this suit to their co-plaitiffs, Jackson Poteet; and

It appearing to the court that this cause has been <sup>regularly</sup> ~~legally~~ matured at rules, it adjudged, ordered and decreed that ~~the same be carried~~ <sup>by A. E. Rutherford and J. F. Sword</sup>, A. E. Rutherford and J. F. Sword, being first duly sworn for the purpose, do go upon the ~~a~~ lands of ~~wh~~ which the said C. C. Poteet was ~~seized~~ <sup>seized</sup> and possessed at that time of his death, and partition the same among the parties according to their respective interests therein, having due regard to water ways, lumber, quantity, quality and improvments, as follows;

They will lay off and assign to the plaitiff, Kate Poteet, one equal one-fifth part thereof; and will lay off and assign to the said defendant, Scott Poteet, another one-fifth part thereof; and they will lay off and assign to the complainant, Jackson Poteet, the remaining three-fifths thereof, and in making the last mentioned assignment, they will assign to the said Jackson Poteet that part of the said lands including the mansion in which the said Columbus lived at the time of his death, if the same can be done without material injury to the other co-partners.

The said commissioners will ~~make and~~ execute this decree as soon hereafter as practicable and report their action hereunder to the next term of this court, and this cause is continued.



next term of this court, and this cause is continued.

hereafter as practicable and report their action hereunder to the

The said commissioners will make and execute this decree as soon to the other co-partners.

time of his death; if the same can be done without material injury lands including the mansion in which the said Columbus lived at the time they will assign to the said Jackson Potest that part of the said three-fifths thereof; and in making the last mentioned assignment, say off and assign to the complainant Jackson Potest the remaining defendant Scott Potest; another one-fifth part thereof; and they will educt one-fifth part thereof; and will say off and assign to the said they will say off and assign to the plaintiff Kate Potest one and improvements as follows;

Cowan Poter et al.  
 vs. { In Chancery  
 Scott Poter.  
 Decree No. 1. for Partition  
 En. C. D. B. No. 7, p 382  
 Enter this decree  
 1st day of Jan 1904.  
 July 15-1904

Decree No. 1. for Partition.  
Ed. C. O. B. No 7, p 382

Enter this decree  
1st Nov 1904  
 July 10 - 1904

Criffin his Exordium, and sworn to and filed on the 20th and the answer of the Iphigene Scott Potter, defendant, by George P. upon the bill of the plaintiff and exhibits therewith Dec. 1, 2, 3, and 4. This cause came on this the 13th day of Oct, 1904, to be heard Scott Potter, Defendant.

COMET 10000 of 17.



To the Hon. H A W Skeen, Judge of  
the circuit Court for Lee County, Virginia.

Your undersigned commissioners A. E. Rutherford, H. P. Arrington and J. F. Sword who were appointed by a decree entered on the 15<sup>th</sup> day of February, 1904, in the Chancery cause entitled, Cowan Poteet, et al. vs. Scott Poteet pending in said court, and directed to go upon the lands owned by Columbus C. Poteet at the time of his death, and partition the same among the parties entitled thereto, now respectfully report, that after being duly sworn for the purpose, we went upon said lands on the 18<sup>th</sup> day of February, 1904, and succeeding days, and partitioned the same as required by the said decree in the following manner.

(1<sup>st</sup>) We laid off and assigned to Scott Poteet lot No. one, as shown on the plat accompanying this report which is bounded and described as follows, to-wit

Beginning at a Chestnut and Hickory on the south side of Powels Mountain. Thence S. 66 $\frac{1}{2}$ ° W. 44 P. to a stake and three small Hickories.

Thence S. 26 $\frac{1}{2}$ ° E. 195 P. to two Chestnuts between and near to both, the County Road and Blackwater Creek.

Thence S. 23 $\frac{1}{2}$ ° E. 59 P. to a Spotted Oak and Ash on Numanos Ridge. Thence N. 61° E. 17 $\frac{1}{2}$  P. to four Dogwoods on Numanos Ridge. Thence N. 50° E. 9 P. to a



Chestnut Oak. Thence  $N. 51^{\circ} E. 10 P.$  to two small Dogwoods in W. W. Sage line. Thence  $N. 20^{\circ} W. 27 P.$  with W. W. Sage line to a Poplar and Beech. Thence  $N. 23\frac{1}{2}^{\circ} W. 220\frac{1}{2} P.$  with a conditional line of William How and William Chandler to the beginning, containing 62 Acres and 149 Poles more or less, being in our opinion one equal one fifth part of said land.

(2<sup>nd</sup>) We laid off and assigned to Kate Poteet lot No. two which is bounded and described as follows, to-wit.

Beginning at a stake and three small Hickories, corner to lot No. one and on the south side of Powels Mountain. Thence  $S. 66\frac{1}{2}^{\circ} W. 38\frac{1}{2} P.$  to a Black Oak. Thence  $S. 26\frac{1}{2}^{\circ} E. 191 P.$  to a stake by the County Road. Thence  $S. 23\frac{1}{2}^{\circ} E. 69\frac{1}{2} P.$  to a Spotted Oak on Annans Ridge. Thence  $N. 50^{\circ} E. 17 P.$  to a Chestnut Oak. Thence  $N. 61^{\circ} E. 21\frac{1}{2} P.$  to a Spotted Oak and Ash, a corner to lot No. one. Thence with a line of lot No. one,  $N. 23\frac{1}{2}^{\circ} W. 59 P.$  to two Chestnuts between the Road and Creek. Thence with a line of lot No. one  $N. 26\frac{1}{2}^{\circ} W. 195 P.$  to the beginning, containing 61 Acres and 33 Poles more or less, being in our opinion one other equal one fifth part of said land.

(3<sup>d</sup>) We laid off and assigned to Jackson Poteet lot No. three which is bounded and described as follows, to-wit

Beginning at a Black Oak, corner to lot No. two on the south side of Powels Mountain. Thence  $S. 66\frac{1}{2}^{\circ} W. 32\frac{1}{2} P.$  to a Chestnut Oak the



South side of Powels Mountain. Thence S.  $89^{\circ}$  W.  
171 P. to a Hickory stump in a hollow. Thence  
S.  $42^{\circ}$  W. 52 P. to a stake in a hollow. Thence  
S.  $57^{\circ}$  E.  $5\frac{1}{2}$  P. to the County Road. Thence S.  $65^{\circ}$  E. 10 P.  
to a stake in the last named hollow. Thence S.  
 $62^{\circ}$  W.  $33\frac{1}{2}$  P. to a stake by the County Road. Thence  
S.  $17^{\circ}$  E. 20 P. to a stake on the north side of Black-  
water creek. Thence S.  $11\frac{1}{2}^{\circ}$  W.  $3\frac{1}{2}$  P. to a Hornbeam  
on south side of said Creek. Thence N.  $89^{\circ}$  W. 10 P. to  
a stake by the creek. Thence S.  $35^{\circ}$  W.  $7\frac{1}{2}$  P. to a  
stake by the creek. Thence S.  $27^{\circ}$  E. 66 P. to a  
Chestnut Oak on a bluff on Naimans Ridge.

Thence with said bluff N.  $40^{\circ}$  E. 33 P. to a stake.  
Thence with bluff N.  $32^{\circ}$  E. 18 P. to a stake. Thence with  
bluff N.  $76^{\circ}$  E. 28 P. to a stake. Thence with bluff  
N.  $51^{\circ}$  E. 32 P. to a Chestnut. Thence with bluff  
N.  $19^{\circ}$  E. 17 P. to a Chestnut Oak. Thence with bluff  
N.  $43^{\circ}$  E. 15 P. to a Chestnut Oak. Thence with bluff  
N.  $66^{\circ}$  E. 20 P. to a Chestnut Oak. Thence with bluff  
N.  $61^{\circ}$  E. 16 P. to a Chestnut Oak. Thence with bluff  
N.  $59^{\circ}$  E. 10 P. to a Locust. Thence with bluff N.  $62^{\circ}$  E.  
12 P. to a Chestnut Oak. Thence S.  $54^{\circ}$  E. 31 P. to a  
Spotted Oak a corner to lot No. two. Thence with a  
line of lot No. two N.  $23\frac{1}{2}^{\circ}$  W.  $69\frac{1}{2}$  P. to a stake by  
the County Road, and a corner to lot No. two.

Thence with a line of lot No two N.  $26\frac{1}{2}^{\circ}$  W.  
191 P. to the beginning, containing 180 Acres and 5  
Poles more or less being in our opinion three  
fifths of said land. Respectfully submitted

J. F. Sword Surveyor & Commissioner,  
H. P. Arrington Com.  
A. G. Bratherford Com.



Crowan Pollett et al  
vs } report

Scott Pollett

Filed April 18<sup>th</sup> 1804  
H. L. T. Evening

Recorded in L. B.  
41 p. 512

Examined

June 8 1804

Indexed -

Bill of Costs.

A. E. Rutheford Com. 5 days \$ 10.

H. P. Arvington Com. 5 days 10.

John McPleason J. P. for qualifying Commissioners .75<sup>c</sup>

Jackson Postet Carrying Chain 5 days 5.

Jackson Postet for board 8.75<sup>c</sup>

J. F. Howard Com & Surveyor 22.88



*Virginia*  
At a Circuit Court continued and held for Lee County,  
at the Court-house thereof, on Friday, the 20th  
day of May, 1904

Cowan Poteet, . . . . . Plf<sup>r</sup>.

vs. (In Chancery.)

Scott Poteet, et al. . . . . . Deft.

This cause came on this the 20th day of May, 1904, to be heard upon the papers formerly read in the cause and the report and plat of J. F. Sword, H. P. Arrington and A. E. Rutherford, <sup>Commissioners</sup> filed in the clerk's office on the 18th day of April, 1904, and was argued by counsel.

On consideration whereof, and it appearing to the court that said report has been filed ~~at~~ the time required by law, and that no exceptions have been taken ~~or~~ filed thereto, it is adjudged, ordered and decreed that the said report and plat be, and they are each hereby confirmed and approved, and pursuant thereto, that the defendant Scott Poteet, take and hold lot No. 1, containing 62 acres and 149 poles, as shown on the said ~~plat~~; that the complainant Kate Poteet, take and hold lot No. 2, as shown on said plat, containing 61 acres and 33 poles; that the complainant Jackson Poteet take and hold lot No. 3, as shown on the said plat containing 180 acres and 5 poles, each free from the claims of the other and from all parties to this suit. It is further adjudged, ordered and decreed that the complainant Jackson Poteet, pay three-fifths of the costs of this suit; that the complainant Kate Poteet pay one-fifth of the said cost; and that the defendant, Scott Poteet, likewise pay one-fifth of the cost thereof, which items of cost shall constitute a lien in favor of the officers of the court against their respective shares of land.

It is further adjudged, ordered and decreed that the clerk of this court record in his proper deed book the ~~and~~ decree appointing the said commissioners, the said report and plat and this decree and tax the same as required by law, his cost for recording *which* shall be taxed as a part of the cost of this suit.

It is further adjudged, ordered and decreed, that execution may issue in the ~~name~~ of the officers of the court against the







it is ordered that the same be stricken from the docket.  
And there remaining nothing further to be done in this cause,  
of this suit.

said respective parties and their respective attorneys of the costs

(2)

Cowan Potteet  
vs. J. W. Chauncy.  
Scott Potteet et al.

Decree Final

Entered on  
cc. C. B. No. 7 p. 481

Recorded in L. B. 41  
p. 509.

Examined June 8/1904.

Indexed -

Enter this decree

May 20 1904.

H. A. W. Sturges



Virginia,

Cowan Poteet et al,                      Plaintiffs,  
vs                      In Chancery  
Scott Poteet                      Defendant.

This ~~case~~ came on this the 15th day of February 1904 to be heard upon the bill of the plaintiff, and exhibits therewith No. 1, 2, 3 and 4, and the answer of the insane defendant, Scott Poteet, by George P. Cridlin, his guardian ad litem, duly sworn to and filed on the 30th day of September 1903, and was argued by counsel.

Whereupon the Plaintiff Cowan Poteet and Lou Allen by their Attorney stated in open Court that they had sold and conveyed their undivided interests in the land sought to be partitioned by this suit to their Co-plaintiff Jackson Poteet; and

It appearing to the Court that this cause has been regularly matured at rules, it adjudged, ordered and decreed that A. E. Rutherford, H. P. Arrington and J. F. Sword being first duly sworn for the purpose do go upon the lands of which the said Columbus C. Poteet was seized and possessed at that time of his death, and partition the same among the parties according to their respective interests therein, having due regard to water ways, lumber, quantity, quality and improvements as follows; They will lay off and assign to the plaintiff Kate Poteet, one equal one-fifth part thereof; and will lay off and assign to the said defendant Scott Poteet another one-fifth part thereof; and they will lay off and assign to the Complainant Jackson Poteet, the remaining three-fifths thereof, and in making the last mentioned assignment they will assign to the said Jackson Poteet that part of the said lands including the mansion in which the said Columbus lived at the time of his death, if the same can be done without material injury to the other co-partners. The said Commissioners will



execute this decree as soon hereafter as practicable and report  
their action hereunder to the next term of this Court, and this  
cause is continued.

A Copy,

Teste:

H. C. Ewing Clerk.



Cowan Poter  
vs { De Chauncy  
Scott Poter

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Decree to appoint  
Commissioners

---

Executed by Delivering  
a copy of the within  
notice to A. E. Rutherford  
H. P. Arrington and  
J. L. Seward this  
Mar the 21 1904  
L. J. McPherson D. C.  
for P. M. Ball S. L. C.

case is continued.  
their action hereunder to the next term of this Court, and this  
execute this decree as soon hereafter as practicable and report



This deed made this the 15th day of January 1903, by and between Samuel Poteet and Sallie Poteet, his wife, of the one part and C.C. Poteet of the other part, all of Lee County, Va. Witnesseth, that for and in consideration of the sum of Eight hundred dollars paid by the said C.C. Poteet to the said Samuel Poteet the receipt of which is hereby acknowledged, the said Samuel Poteet and Sallie Poteet his wife, do hereby grant and convey with general warranty unto the said C.C. Poteet a certain tract of land lying and being in said County on the west Fork of Blackwater Creek, known as follows Viz. First tract lying and being on the west Fork of Blackwater containing 200 acres more or less, beginning on a hickory, black-oak and chestnut on the South side of Powells Mountain, thence westwardly 130 poles to a chestnut oak, thence S. 240 P to a white oak, sourwood, maple and beech on Newmans ridge, thence eastwardly 250 poles more or less to a conditional line made by William Howe and William Chandler on a poplar, walnut and beech on Newmans ridge, thence Northwardly with the said conditional line to the Beginning Second tract lying on same fork of Blackwater and bounded as follows Viz. Beginning on a white-oak, maple and ash on the bank of Blackwater creek, thence down the creek 240 poles to a hickory and two small beeches on a high bank at what is called the narrows, thence N. 47 W. 20 poles to a white oak on the side of Powells Mountain, thence S. 72 W. 80 poles to a stake near a fence row, thence S. 60 W. 180 poles to a dogwood and hickory by rocks, thence S. 17 E. 20 poles to the beginning. To have and to hold the said two tracts or parcels of land together with the appurtenances thereunto belonging unto the said C.C. Poteet and his heirs forever. This deed is made pursuant to the provisions and requirements of a title bond executed on the 5th day of December 1881, by the said Samuel Poteet to the said C.C. Poteet, in the penalty of \$1600.00, and which time the said lands were purchased from the said Samuel Poteet by the said C.C. Poteet for the said sum of \$800.00 to be paid as specified in said bond, and which purchase money has long since been paid by said purchaser, who has been in possession of said land at his own ever since his said purchase.



Witness the following signatures and seals.

Samuel Poteet (SEAL)

(SEAL)

Virginia, Lee County, to-wit:

I, C.B.Woodward a Justice of the peace in and for the County and state aforesaid do certify that Samuel Poteet and whose names are signed to the foregoing writing bearing date on the 15th day of January, 1903, this day personally appeared before me in my said County and acknowledged the said writing to be their act and deed for the purposes therein mentioned. Given under my hand January 20, 1903.

C. B. Woodward, J.P.

Virginia, Lee County, to-wit:

In the office of the Clerk of the County Court for said County, the 10th day of February, 1903. This deed was presented and together with the certificate of acknowledgement thereto annexed, admitted to record.

Teste; B.M.Morgan, Clerk.

Recorded Lee Co. D.B.No. 40, page 4.



Corvan Patent et al  
vs. { In Chy  
Scott Patent

"Exhibit No. 1"

C. C. Poter  
From {died. Copy  
Samuel Poter



This Deed made this December the 6th, 1889, by and between Jessee G. Herd and Ruthy, his wife of the one & first part, and C.C. Poteet of the second part all of the County of Lee and State of Virginia;

Witnesseth, that for and in consideration of the sum of thirty five dollars in hand paid have this day bargained, granted and sold and by these presents do grant, bargain and sell and convey unto the party of the second part a certain tract or parcel of land lying and being in the County of Lee and State of Virginia on the North side of Newman's Ridge, and bounded as follows, to-wit,

Beginning on a beech and ironwood on the west fork of Blackwater Creek a corner in the old John B. Niel and William Roberts thousand acre survey and thence westwardly up the creek to the Newberry line and with the same thence southwardly up the ridge to the bluff and thence eastwardly with the bluff to a conditional line between said Jessee G. Herd and wife and W.W. Sage and with the same northwardly to the old thousand acre line and with the same westwardly to the Beginning.

To have and to hold the said lands conveyed to conveyed to the proper use and behoof of the him the said C.C. Poteet and his heirs forever and the parties of the first part doth covenant to warrant and forever defend the lands generally hereby conveyed.

Witness the following signatures and seals this the day and date above written.

his  
Jessee X Herd (SEAL)  
mark  
her  
Ruthy X Herd (SEAL)  
mark

Virginia, Lee County, to-wit:

I, Thomas McPherson, a acting justice of the peace in and for said County do certify that Jessee G. Herd and Ruthy Herd, his wife whose names is signed to the foregoing writing bearing date Dec. 6. 1889 personally appeared before me in the said County and acknowledged the same to be their act and deed and declared that they had willingly executed the same and did not wish to retract it. Given under my hand this the 6th day of Dec. 1889.

Thomas McPherson, J.P.



Virginia, Lee County, to-wit:

In the office of the Clerk of the said County June 5<sup>th</sup> 1890,  
this deed was presented and with the certificate thereto annexed  
admitted to record.

Teste John R. Gibson, Clerk.

Recorded Lee Co. D.B. No. 25, page 189.



Cowan Patent  
vs. { du Chy.  
Scott Patent

"Exhibit No. 2".

C. C. Poter  
From { Dead copy  
Jesse S. Hurd wife



Virginia,

At a Circuit Court continued and held for Lee County at the Courthouse thereof, on Thursday November, 13<sup>th</sup>, 1902.

Jessee Anderson - - - - - Plaintiff

vs.

In Ejectment.

C.C.Poteet - - - - - Defendant.

This day came again the parties by their attorneys and the jury adjourned over on yesterday appeared in Court pursuant to their adjournment, and having heard the evidence in full.

On motion of both plaintiff and defendant the jury was discharged from further consideration of this case, and the plaintiff and defendant having mutually settled the matters in dispute between them by a division of the land in dispute in the following manner, that is that a line shall be run as follows, to-wit, Beginning at the County road and running thence up the center of the hollow northwardly to the back line of the land in dispute as shown by plat filed in said case, and that said plaintiff is to have the land west of said line including the buildings thereon, and the defendant is to have all the lands east of said line. On consideration whereof it is considered by the Court that the plaintiff Jessee Anderson take and hold the land west of said line aforesaid, and that said defendant C.C.Poteet take and hold the land east of said line, and by consent of parties each party is to pay one-half of the cost to be taxed by the Clerk.



The court is to be taxed by the Clerk.

line, and to consent of parties each party is to pay one-half of that said defendant C.C. Poterit pays and hold the land east of said defendant's line and hold the land west of said line aforesaid, and that whereof it is considered by the court that the plaintiff lease defendant is to have all the lands east of said line. On consideration west of said line including the buildings thereon, and the defendant is to have all the land in dispute as shown by plaintiff in said case, and that said plaintiff is to have the portion northwesterly to the back line of the land in dispute as shown by the court road and running thence to the center of the

Cowan Poterit et al.  
vs. { In Chy.  
Scott Poterit

"Exhibit No. 3"

C. C. Poterit  
ads { Order Copy  
Jessie Anderson

James Anderson - - - - - Plaintiff  
the defendant's interest on Thursday November, 18th, 1903.

At a Court Court confirmed and held for the County of

Attorneys,



Know all men by these presents, That we C.B. Belcher, L.C. Belcher, Joe Osborne, Cordelia Osborne, Peter Hart, and Mary Hart, do hereby appoint, make and constitute H.O. Ballou and J.C. Noel our true and lawful attorneys in fact, for us and in our names to sue for and recover any land in which we may have an interest legal or equitable of which Jesse Roberts died seized and possessed in Lee County, Virginia, whether our interest in same vested under the will of said Roberts or otherwise; and to sell and in our names convey our interest in said lands to any person or persons, executing therefor deeds of special warranty or quit claim; and to collect and receive the purchase price therefor in our names; and in our names to receipt for the same; and to do all lawful acts and things whatsoever concerning the premises as fully in every respect as we ourselves might or could do, if we were personally present; and we hereby ratify and confirm all lawful acts to be done by our said Attorney by virtue hereof. And we bind ourselves, our heirs and assigns to pay our said attorneys for their services in the premises one half of all the lands which they may recover by suit and one half of all moneys received by them or by us for such of said lands as they or we may sell and which may be sold before suit therefor be entered and determined.

Witness our hands and seals, this 24 day of Nov., 1902.

his  
C. B. X Belcher (SEAL)  
mark

his  
L. C. X Belcher (SEAL)  
mark

her  
Cordelia x Osborne (SEAL)  
mark

his  
Peter x Hart (SEAL)  
mark

her  
Mary x Hart (SEAL)  
mark

Virginia, Lee County, to-wit:

I, J.W. McPherson, a justice of the peace, for the County aforesaid in the state of Virginia, do certify that C.B. Belcher, L.C. Belcher, Cordelia Osborne, Peter Hart and Mary Hart whose names are



signed to the above writing bearing date on the 24 day of Nov. 1902, have acknowledged the same before me in my County aforesaid. Given under my hand this the 24 day of Nov. 1902.

J. W. McPherson J.P.

Virginia, Lee County, to-wit:

In the office of the Clerk of the County Court for said County, the 25th day of November, 1902. This power of attorney was presented and together with the certificate of acknowledgement thereto annexed, admitted to record.

Teste; B. M. Morgan, Clerk.

Recorded Lee Co. D.B. No. 39, page 383.



C. B. Belcher et al  
To Power of Atty. Gen.  
Ballou & Noll



THIS DEED made this 1st day of January, 1903, between C.B. Belcher, L.C. Belcher, Cordelia Osbourn, Peter Hart and Mary Hart, parties of the first part, by their attorneys in fact, H.O. Ballou and J.C. Noel (which power of attorney is duly recorded in the office of the Clerk of the County Court of Lee County Virginia in Deed Book No. 39 page 383) and C.C. Poteet of the second part, Witnesseth; That for and in consideration of One hundred and sixty five (\$165.00) dollars in hand paid, the receipt of which is hereby acknowledged, the parties of the first part do give, grant, bargain, sell and forever release and quit claim unto the party of the second part all their rights, claims and interests in and to that part of the old Jessee Roberts 712 acre survey of land now in the possession of said party of the second part, one part of which was conveyed to said Poteet by Jessee Herd and Rutha Herd by deed bearing date of December 6th, 1889, and to which deed reference is hereby made for a more particular description thereof, and the remaining portion of said land being acquired by said Poteet by compromise with Jessee Anderson of a certain action at law in the Circuit Court of Lee County Va. at the Nov. term, 1902, of said Court and for a more particular description of the first named portion of said land reference is made to the order entered in the aforesaid cause of Jessee Anderson vs. C.C. Poteet, entered at the term aforesaid of said Court.

To have and to hold the land aforesaid together with the appurtenances thereunto belonging unto the said party of the second part, his heirs and assigns forever. And the parties of the first part covenant that they will warrant the title thereto against their respective claims. Witness the following signatures and seals, day and year first aforesaid.

H. O. Ballou (SEAL)

J. C. Noel (SEAL)

Attorneys in fact for C.B. Belcher, L.C. Belcher, Cordelia Osbourn, Peter Hart and Mary Hart.

Virginia, Lee County, to-wit:

I, Geo. P. Cridlin, a notary public for the County aforesaid



in the State of Virginia, do certify that H.O. Ballou and J.C. Noel, whose names are signed to the above deed bearing date on the first day of January, 1903, have acknowledged the same before me in my County aforesaid. And I do further certify that said H.O. Ballou and J.C. Noel further acknowledged before me in my said County that the said deed was signed by them as the attorneys in fact of the said C.B. Belcher, L.C. Belcher, Cordelia Osbourn, Peter Hart and Mary Hart, and that they are duly authorized to sign and seal the above deed, and that the same is the act and deed of the aforesaid C.B. Belcher, L.C. Belcher, Cordelia Osbourn, Peter Hart and Mary Hart. Given under my hand this the first day of January, 1903. My Commission expires Jan. 12, 1905.

Geo. P. Cridlin, N.P.

Virginia, Lee County, to-wit.

In the office of the Clerk of the County Court for said County, the 1st day of January, 1903. This deed was presented, and together with the certificate of acknowledgment thereto annexed, admitted to record at 2:30 o'clock P.M.

Teste: E. M. Morgan, Clerk.

Recorded in Lee Co. D.B. No. 39, page 466.



Cowan Poter et al  
vs. { In Chy  
Scott Poter

"Exhibit No. 4"

C. B. Belcher et al  
By attys in fact  
To { Deed. Copy.  
C. C. Poter



